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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,247	03/30/2004	Jane M. Stevenson	STEV-0004	4833

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EXAMINER

HALE, GLORIA M

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,247

Applicant(s)

STEVENSON, JANE M.

Examiner

Gloria Hale

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.124(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6-1-04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Specification

The use of the trademark VELCRO has been noted in this application. It should be capitalized wherever it appears and **be accompanied by the generic terminology, hook and loop or hook and pile fasteners at all occurrences.**

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fastener as claimed in claims 4 and 14 and the pocket as claimed in claims 9 and 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 16 and 21 are objected to because of the following informalities: In claim 16 the "comma", (,) should be a period (.). and in claim 21 there is no support for fixably attaching the undergarment to the support. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-14, 16-19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson (US 5,239,706) in view of Lonon (US 4,835,795).

In regard to claims 1-8, 10-14, 16-19 and 22 Stevenson discloses an undergarment 10 or 120 with the front panel 14 or 122, back panel 16 or 128, left and right leg bands 140,144 and crotch panel 26 or 164 which is slidable on the left and right casings 148,150 as claimed to open the crotch area for ease in access. However, the crotch panel of Stevenson is fixably attached to the front panel and not the back panel and provides an opening of the crotch panel at the rear between the rear panel and crotch

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panel rear edge. (See Stevenson, col. 4, line 18 – col. 6, line 148 and figures 1-7).

Lonon discloses an undergarment with a crotch panel 4 that is fixably attached to the rear edge and which opens at the front panel 3 and front edge of the crotch panel 3 at 6.

This type of front opening crotch panel on undergarments is well known as seen in figure 2, col. 2, line 59 – col. 3, line 20 and on a bodysuit in figure 8 and described in col. 3, lines 48-57. Accordingly it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Stevenson undergarment with the teaching of Lonon to provide a front crotch opening edge access for ease in use to the wearer so the wearer does not have to reach towards the rear when in use.

Lonon includes the hook and loop fasteners 5 and 6 as claimed in addition to the second edge as being releasably secured to the back panel when the crotch panel is open. It is also well known to construct undergarments by a “continuously knitted construction” with integrally knitted crotch panels. Such garments are well known in the marketplace. Stevenson discloses the right and left leg bands (140,144) in col. 5, lines 66- col. 2, line 10); the crotch panel as being stretchable spandex (see col. 4, lines 61-65) and the waistband attached and integral to the front and back panels (figure 7 and not numbered and figures 1 ref. #2). Elastic waistbands are well known in underwear construction and an obvious modification. In regard to claims 16-17 Stevenson discloses the access of the undergarment crotch panel through the overgarment 200 opening 22 with a zipper fastener 224. (See Stevenson, col. 7, lines 1-6).

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Claims 20,21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson in view of Lonon as applied to claim s 17 and 22 above, and further in view of Cruz (US 3,840,900).

Stevenson and Lonon disclose the invention substantially as claimed except for the releasable and fixable attachment of the undergarment to the overgarment.

Cruz discloses such an attachment with fasteners 15, which is fixed when connected and releasably attached since it is removable by the fasteners. (See Cruz, figures 1 and 2 and col. 3, lines 5 and 6. Cruz also discloses the collar 3, cuff and placket with buttons, not numbered and as seen in figure 1).

Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson in view of Lonon as applied to claim 1 above, and further in view of Cook (US 6,308,340).


Stevenson and Lonon disclose the invention substantially as claimed except for the storage pocket on the undergarment for storing items. Cook discloses an undergarment with a pocket 22 for storing items therein. Accordingly it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the garment of Stevenson and Lonon to include a pocket as disclosed by Cook to store items as desired. (See Cook, Abstract, figures 1 and 2 and col. 2, lines 4-67).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria Hale whose telephone number is 571-272-4984. The examiner can normally be reached on Tues.-Friday.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gloria Hale
Primary Examiner
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